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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,538	07/28/2006	Robert Mesaros	US040119US2	3815

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EXAMINER
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NGUYEN, HIEN NGOC

ART UNIT	PAPER NUMBER
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3768

MAIL DATE	DELIVERY MODE
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08/27/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,538	<b>Applicant(s)</b> MESAROS, ROBERT	
	<b>Examiner</b> HIEN NGUYEN	<b>Art Unit</b> 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06/21/2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-15 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/28/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

In view of the Appeal Brief filed on 06/21/2010, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below. New references are used to disclose plastic and rubber are commonly use materials in making flat panel display. Also further explain obviousness rejection of the method claims.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4, 8, 11-12 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Burris et al. (US 5,924,988).

Addressing claim 1, Burris discloses an ultrasonic diagnostic imaging system comprising: an articulating display mount (see col. 2, lines 1-5 and Fig. 4, element 450); a flat panel display having a viewing screen and electrically coupled to the imaging electronics and coupled to the display mount, the flat panel display including a peripheral region which can be gripped by a user to reposition the flat panel display, the peripheral region including a first gripping surface on the front of the flat panel display forward of the plane of the viewing screen and a second gripping surface rearward of the plane of the viewing screen (see col. 1, lines 60-67, col. 2, lines 1-5 and Fig. 6-7); the first gripping surface is adapted to be engaged by the thumb when repositioning the flat panel display and the second gripping surface is adapted to be engaged by one or more fingers when repositioning the flat panel display (see Fig. 6-9) and at least one of the gripping surfaces is locally contoured in the peripheral region to be engaged by a user (see Fig. 6, the flat panel in Fig. 6 (element 630) is made up of the rectangular case on the outside and the rectangular viewing screen on the inside. Between the two rectangular is a contour in the peripheral region that defines the shape of the case surface for gripping and the viewing screen).

3. Addressing claims 3-4, 8, 11-12 and 14-15, Burris discloses the first gripping surface faces to the front of the flat panel display and the second gripping surface faces to the rear of the flat panel display (see Fig. 8-9 and col. 6, lines 1-12); flat panel display further includes a bezel extending about the periphery of the display, wherein the first gripping surface is located on the bezel and the second gripping surface is located behind the bezel (see col. 6, lines 13-49 and Fig. 6-9); the hard polymer material further

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comprises a bezel extending around the periphery of the flat panel display (see col. 5, lines 55-65, col. 6, lines 8-65 and Fig. 4); wherein the contouring comprises a surface which is textured so as to be grippable by a user (see Fig. 4-6, the figures show a flat panel display that is capable of being grip by the user to move the flat panel display therefore it has a texture surface for gripping); wherein the gripping surface which is textured includes indentations in its surface (see Fig. 4-6 and 14); wherein the gripping surface which is textured includes projections from its surface (see Fig. 6-7 and 14); wherein the peripheral extends around all four sides of the flat panel display (see Fig. 8-10).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burris et al. (US 5,924,988) and in view of Inoue (US 2001/0043293).

Addressing claim 5, Burris does not explicitly disclose the first gripping surface is formed of an elastomeric material. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to produce gripping surface out of elastomeric material because elastomeric material such as rubber and plastic are commonly use material to produce flat panel display casing for carrying and gripping the

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display to move it. Inoue discloses using rubber and plastic material for his flat panel display (lcd) case (see [0040] and [0063], this show plastic and rubber are commonly use material for display/monitor cases).

Addressing claims 6 and 7, Burris does not explicitly disclose the first gripping surface is formed of a hard polymer material which is coated with an elastomeric material and elastomeric material comprises an elastomeric coating. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to produce gripping surface out of elastomeric material because elastomeric material such as rubber and plastic are a commonly use material to produce flat panel display casing for carrying and gripping the display to move it (see Inoue disclosure in the paragraph above).

Addressing claim 10, Burris does not explicitly disclose at least one of the gripping surfaces is formed of a pliable material so as to be grippable by a user. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to produce flat panel display from rubber and plastic because these are a commonly use material to produce flat panel display casing for carrying and gripping the display to move it (see Inoue disclosure above). Rubber and plastic are pliable material.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burris et al. (US 5,924,988) and in view of Yang (US 6,256,075).

Addressing claim 13, Burris does not explicitly disclose wherein the indentations comprise perforations through an enclosure which further comprise means for

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ventilating the flat panel display. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have indentations comprise perforations through an enclosure for ventilating the flat panel display because this is an essential design feature that allow the flat panel to release heat to prevent over heating of the flat panel. Yang discloses ventilation holes to dissipate heat (see Fig. 3, element 31 and col. 3, lines 43-47).

7. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burris et al. (US 5,924,988).

Addressing claims 18-20, the system in claims 1, 3-8 and 10-15 performs the method in claims 18-20. Also see Fig. 4 and 6-10. It would have been obvious to one of ordinary skill in the art at the time of the invention that using one hand or two hands to adjust or move the flat panel display is depended on a person choice and the strength of each individual. It would have been obvious that a strong person would grab hold of a display gripping surface in Fig. 5 and 14 with a thumb and fingers and move the display back and forth or up and down as shown by the direction arrow.

### ***Response to Arguments***

Applicant's arguments filed 06/21/2010 have been fully considered but they are not persuasive. Applicant argues Burris does not disclose gripping surfaces to be locally contoured in the peripheral region for engagement by a user. Applicant argument is not persuasive because Burris discloses these features in Fig. 5 and 6 (elements 530 and

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630, examiner interprets the frame covering the lcd glass or plastic screen as a gripping surfaces with contoured in the peripheral region). The top, bottom and back parts of the flat panel display are gripping surfaces. A user would grip the top, bottom and back part of the flat panel display with thumb and fingers to reposition the flat panel display. The flat panel in Fig. 5 and 6 (elements 530 and 630) is made up of the rectangular case on the outside and the rectangular viewing screen on the inside. Between the two rectangular is a contour in the peripheral region that defines the shape of the case surface for gripping and the viewing screen.

Applicant argues the contoured gripping surface has texture that includes indentations and projections. Burris's fig. 14 discloses contoured gripping surface has texture that includes indentations and projections.

Application argues Burris does not disclose elastomeric material such as rubber and plastic is used for flat panel display (lcd) and perforations through an enclosure for ventilating the flat panel display. Inoue discloses elastomeric material such as rubber and plastic is used for flat panel display (see [0040] and [0063]). Yang discloses perforations through an enclosure for ventilating the flat panel display (see Fig. 3, element 31, the holes are perforations for ventilating the flat panel display).

Applicant's argument regarding claim 18 is being addressed in the rejection section above.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HIEN NGUYEN whose telephone number is (571)270-7031. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. N./  
Examiner, Art Unit 3768

/Long V Le/  
Supervisory Patent Examiner, Art Unit 3768